



Entered on Docket  
March 02, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,<sup>1</sup>

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,<sup>2</sup>

USA Securities, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD  
OMNIBUS OBJECTION OF USACM  
TRUST TO PROOFS OF CLAIM  
BASED UPON INVESTMENT IN  
THE ROAM DEVELOPMENT  
GROUP, LP LOAN**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

<sup>1</sup> This bankruptcy case was closed on October 12, 2007.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus  
2 Objection to Proofs of Claim Based Upon Investment in the Roam Development Group,  
3 LP Loan (the "Objection") [DE 6706]. Adequate notice of the Objection was given. Two  
4 responses were filed to the Objection: 1) Kenneth H. Wyatt IRA, Proof of Claim No.  
5 10725-01828, asserted that \$2,025.04 of the claim should be allowed; 2) Phyllis Wyatt  
6 IRA, Proof of Claim No. 10725-01829, indicated that the Trust's assertions were correct.  
7 The Trust will not dispute the assertions. No opposition was raised to the Objection at the  
8 hearing on February 20, 2009. Good cause appearing,

9 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on  
10 Exhibit A attached are allowed to the extent Exhibit A shows there was "unremitted  
11 principal" owed to the claimant. The remainder of the claims listed on Exhibit A are  
12 disallowed.

13 ###

14 PREPARED AND SUBMITTED:

15 **LEWIS AND ROCA LLP**

16  
17 By: /s/ John Hinderaker (#18024)  
18 Rob Charles  
19 John Hinderaker (*pro hac vice*)  
20 *Attorneys for USACM Liquidating Trust*  
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1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

2 In accordance with Local Rule 9021, the undersigned certifies:

- 3 ☐ The Court waived the requirements of approval under LR 9021.
- 4 ☐ No parties appeared or filed written objections, and there is no trustee appointed
- 5 in the case.
- 6 ☐ No opposition was filed to the motion and no other party or counsel appeared at
- 7 the hearing.
- 8 ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented
- 9 parties who have appeared at the hearing, and any trustee appointed in the case,
- 10 and each has approved or disapproved the order, or failed to respond, as
- 11 indicated below:

12 **LEWIS AND ROCA LLP**

13 By: /s/ John Hinderaker (#18024)

14 Rob Charles

15 John Hinderaker (*pro hac vice*)

16 Attorneys for USACM Liquidating Trust

17

18 APPROVED AS TO FORM:

19

20 By: Kenneth H. Wyatt

21 Kenneth H. Wyatt, on behalf of the

22 Kenneth H. Wyatt IRA

23 By: Phyllis P. Wyatt

24 Phyllis P. Wyatt, on behalf of the

25 Phyllis P. Wyatt IRA

26

**ROAM DEVELOPMENT LOAN  
THIRD OMNIBUS OBJECTION**

**EXHIBIT A  
Single Loan Claims**

<b>Claim</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Unremitted Principal</b>	<b>Approximate Amount Subject to Objection</b>
<b>10725-01330</b>	Daniel L & Sandra M Everett	921 Crystal Ct Foster City, CA 94404-3517	\$1,164.97	\$0	\$533.61
<b>10725-01220</b>	Brian M Herman & Anthony G Adams	1341 Cashman Dr. Las Vegas, NV 89102	\$4,543.39	\$0	\$4,543.39
<b>10725-00748</b>	Nielson Family Trust Dtd 3/9/78	c/o Dell R. and Penny Nielson Ttees P.O. Box 281145 Dysart Ranch Lamoille, NV 89828-1145	\$48,835.02	\$631.36	\$48,203.66
<b>10725-01883</b>	Dennis Raggi	P.O. Box 10475 Zephyr Cove, NV 89448-2475	\$4,659.87	\$0	\$4,659.87
<b>10725-00112</b>	Sanchez Living Trust	Randy and Sharon Sanchez Ttees 5713 N. White Sands Rd. Reno, NV 89511	\$60,000.00	\$0	\$60,000.00
<b>10725-00684</b>	Dennis & Donna Sipiorski	1312 Jackie Ln Minden, NV 89423-9070	\$1,164.97	\$0	\$1,164.97
<b>10725-01815</b>	Raymond Troll Trust	c/o Raymond Troll Trustee 77420 Sky Mesa Ln Indian Wells, CA 92210-6103	\$29,794.30	\$14,521.28	\$15,273.02
<b>10725-01316</b>	Ruth Acosta Wara LP	Valley Forge Business Ctr 2546 General Armistead Ave Norristown, PA 19403-5230	\$8,090.31	\$2,525.44	\$5,564.87
<b>10725-01828</b>	Kenneth H. Wyatt IRA	P.O. Box 370400 Las Vegas, NV 89137-0400	\$53,983.35	\$2,025.04	\$53,351.99
<b>10725-01829</b>	Phyllis P. Wyatt IRA	P.O. Box 370400 Las Vegas, NV 89137-0400	\$53,983.35	\$631.36	\$53,351.99